

LAWRENCE BREWSTER, Regional Solicitor  
BRUCE L. BROWN, WSBA #18844  
Associate Regional Solicitor  
brown.bruce.l@dol.gov  
EVAN H. NORDBY, WSBA #35937  
Trial Attorney  
nordby.evan@dol.gov  
U.S. Department of Labor, Office of the Solicitor  
1111 Third Avenue, Suite 945  
Seattle, Washington 98101  
Phone (206) 553-0940  
Fax (206) 553-2768  
Attorneys for Plaintiff Hilda L. Solis

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

HILDA L. SOLIS, SECRETARY OF  
LABOR, UNITED STATES  
DEPARTMENT OF LABOR,  
Plaintiff,

CASE NO.

**COMPLAINT**

v.

R.M. INTERNATIONAL, INC., a  
limited liability company; & JAMES  
KEYES, an individual,

**(VIOLATIONS OF  
FAIR LABOR STANDARDS ACT)**

Defendants.

I

Plaintiff Hilda L. Solis, Secretary of Labor, brings this action pursuant to Section 17 of the Fair Labor Standards Act of 1938 as amended, 29 U.S.C. §§ 201-19, (“FLSA” or “the Act”), to enjoin Defendants from violating the provisions of Sections 15(a)(2) and 15(a)(5) of the Act. Plaintiff also and separately brings this action, (1) pursuant to Section 16(c) of the Act for the recovery of a Judgment against Defendants for unpaid overtime compensation due Defendants’

employees and liquidated damages in an amount equal thereto, or, in the event liquidated damages are not awarded, pre-judgment interest computed on the unpaid wages due; and (2) pursuant to Section 17 of the Act, for recovery of a Judgment restraining Defendants from withholding payment of unpaid overtime compensation due Defendants' employees.

## II

Jurisdiction of this action is conferred upon the Court by Sections 16(c) and 17 of the Act and 28 U.S.C. §§ 1331 and 1345.

## III

(a) Defendant R.M. INTERNATIONAL, INC., is an Oregon corporation, with a primary place of business located at 3449 N. Anchor Street, Portland, OR 97217, within the jurisdiction of this Court, where it is engaged in the business of industrial testing.

(b) Defendant JAMES KEYES, an individual, is the President and an owner of R.M. INTERNATIONAL, INC., with a primary place of business located at 3449 N. Anchor Street, Portland, OR 97217, and is an employer within the meaning of the Act as he acts directly or indirectly in the interest of R.M. INTERNATIONAL, INC., in relation to the employees listed on Exhibit A to the Complaint, and has economic and operational control over R.M. INTERNATIONAL, INC. and its business in the state of Oregon.

## IV

At all times relevant to this Complaint, Defendants have employed and are employing, employees in and about their aforesaid place of business in ordering, receiving, preparing, storing and handling goods and materials which have been transported, shipped, or delivered from points outside the State of Oregon; in preparing, transmitting, mailing, or receiving transmissions, reports, letters, correspondence, billings, or remittances to and from points outside the State of Oregon and in using the facilities of commerce. Said employees, by reason of their activities as aforesaid, were and are engaged in commerce within the meaning of the Act.

## V

At all times relevant to this Complaint, Defendants employed and are employing, employees in and about their aforesaid places of business in handling, preparing or otherwise

working on equipment and other goods or materials which have been transported, shipped or delivered to places within the State of Oregon from places outside thereof and were produced for commerce.

## VI

At all times relevant to this Complaint, the activities of Defendants (referred to in paragraphs III, IV, and V above) were and are related and performed through unified operation or common control for a common business purpose, and constitute an enterprise within the meaning of Section 3(r)(1) of the Act.

## VII

At all times relevant to this Complaint, said enterprise had employees engaged in commerce or in the production of goods for commerce, including employees handling, preparing or otherwise working on equipment and other goods or materials which have been transported, shipped or delivered in or produced for commerce, as aforesaid. Said enterprise at all times relevant to this Complaint has had an annual gross volume of sales made or business done of not less than \$500,000 (exclusive of sales taxes at the retail level stated separated), and as such is an enterprise engaged in commerce or in the production of goods for commerce within the meaning of Section 3(s)(1)(A).

## VIII

Defendants have violated and are violating the provisions of Sections 7 and 15(a)(2) of the Act, 29 U.S.C. §§ 207, 215(a)(2), by employing many of its employees engaged in commerce or in the production of goods for commerce, for workweeks longer than forty (40) hours since March 1, 2006, without compensating said employees for their employment in excess of 40 hours in such work weeks at rates not less than one and one-half the regular rates at which they were employed.

## IX

Defendants have violated or are violating the monetary provisions of the Act, as alleged in paragraph VIII above, and as a result, Defendants are liable for unpaid overtime compensation and an equal amount in liquidated damages under Section 16(c) of the Act. 29 U.S.C. § 216(c).

WHEREFORE, cause having been shown, Plaintiff prays for a Judgment against Defendants as follows:

- (1) For an Order pursuant to Section 17 of the Act permanently enjoining and restraining Defendants, their officers, agents, servants, employees, and all persons acting in their behalf and interest from prospectively violating the provisions of Section 15(a)(2) and 15(a)(5) of the Act; and
- (2) For an Order:
  - (a) pursuant to Section 16(c) of the Act finding Defendants liable for unpaid overtime compensation found by the Court to be due Defendants' employees, or, in the event liquidated damages are not awarded,
  - (b) pursuant to Section 17 enjoining and restraining Defendants, their officers, agents, servants, employees, and all persons acting in their behalf and interest from withholding payment of unpaid overtime compensation found due Defendants' employees and pre-judgment interest computed at the underpayment rate established by the Secretary of Treasury pursuant to 26 U.S.C. § 6621; and
- (3) For an Order awarding Plaintiff the costs of this action; and
- (4) For an Order granting such other and further relief as may be necessary and appropriate.

Dated: July 27, 2009

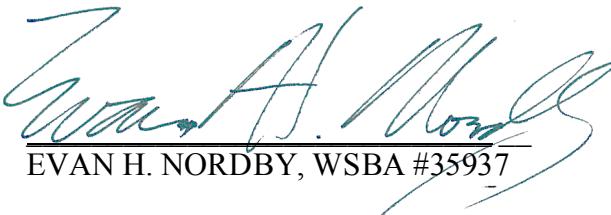
CAROL A. DEDEO  
Deputy Solicitor for National Operations

LAWRENCE BREWSTER  
Regional Solicitor

BRUCE L. BROWN  
Associate Regional Solicitor

EVAN H. NORDBY  
Trial Attorney

By:



Evan H. Nordby  
EVAN H. NORDBY, WSBA #35937

Attorneys for Petitioner Hilda L. Solis,  
Secretary of Labor  
United States Department of Labor  
Office of the Solicitor  
1111 Third Avenue, Suite 945  
Seattle, Washington 98101  
Phone (206) 553-0940  
Fax (206) 553-2768  
E-mail: Nordby.evan@dol.gov

## EXHIBIT A

<u>Last Name</u>	<u>First Name</u>	<u>Last Name</u>	<u>First Name</u>
Adams	Danny L.	Bettencourt	Gordon D
Aker	Earnest Lamar	Binford	Robert J.
Allen	Glenn L	Bishop	David L.
Allen	Richard E	Black	Stacey
Anderson	Anna	Blair	Roger G
Anderson	Daniel	Boje	Vic
Anderson	Michael L.	Bonar	Mark A
Anderson	Robert	Bonstein	Don J
Andrew	Bill J	Boothe	William L
Asher	Doug R	Bourret	Peter
Azich	Brian	Bower	Dennis
Azich	Danny	Brahm	Stanley A
Azich	Karen	Bridges	Larry K
Baker	Bradley M	Brimmerman	Leroy G.
Baker	Rex	Bryan	George E
Balogh	Cary L	Burkhardt	David
Barber	Orin	Burnett	Andrew S
Barham	Gary	Burns	David C
Battan	Arun L	Burrell	Michael L
Bauer	Adam K	Bushek	Daryl L
Beaver	Richard	Butcher	Boyd G
Beeman	Kenneth W	Butler	William
Bennett	Raymond E	Cach	Richard
Benson	Burt A	Cain	Stephen D
Benson	Janice K	Campbell	Ricky J
Benson	Lance E	Campbell	Warren E
Bepristis	Brian	Canfield	Robert A.
Berry	Hubert L	Cardenas	Ruben H

## EXHIBIT A

<u>Last Name</u>	<u>First Name</u>	<u>Last Name</u>	<u>First Name</u>
Carmen	Donald	Crawford	Dennis
Carroll	Michael E	Crop	Bruce A
Carter	Dana L.	Cropper	Vernon
Castile	Larry	Cross	Michael S.
Chaffee	David	Cullins	Frederick O
Chambers	Robert	Cunningham	Rick
Champ	Maurice H	Cushman	James R
Champney	Gerald	Dancsa	Steve J.
Chapman	Dennis W	Daniels	Alan J
Chapman	Michael S	Daniels	Craig A.
Chapman	Nancy M	Davidson	G. Earnest
Charters	Ray	Davies	Victor L
Chicas	Antonio	Davis	Keith A
Choate	David L.	Davis	Paul H.
Clark	Norman L.	Delos Reyes	Franklin H
Clay	Robert	Deming	Daniel J
Clement	Larry M.	Denman	Thomas A
Clough	Thomas V	Dennis	Janice
Cody	Dustin K.	Dickerson	Celesta S
Coleman	Patrick L	Dingman	Matthew C
Conn	William H	Dionne	Mitchell
Connelly	Steven	Dixon	David W
Cottrell	Chris	Dominguez	Ed
Coursey	Jill	Doreen	Bruce
Court	Donald W	Drager	John R
Courville	James F	Drygas	Henryk T
Cox	Norman L	Dunham	Paul F
Cramer	Michael B	Dunkin	James E

## EXHIBIT A

<u>Last Name</u>	<u>First Name</u>	<u>Last Name</u>	<u>First Name</u>
Dykema	Daryl J	Geiger	Timothy P
Edwards	Raymond S	Gerdes	John
Egger	Frank E	Gill	Doug
Eichelberger	Kraig	Gillespie	Craig
Elliott	Gary	Gillespie	William K
Enebo	Steven K	Gino	Sammy
England	Brian A.	Glaspie	Jeramy
Evink	Gary	Glenn	Mary B
Ewing	Dallas C	Gonzales	Edward S
Faiyaz	Mohammed	Gonzales	Rafael B.
Fanning	David J	Goodhue	Daniel P
Faraji	Erasto R	Gorelov	Mikhail I
Farmer	Stephen E	Grace	Jeffrey
Farrar	Joshua S	Green	Donald O "Donny"
Fassold	Frank O	Green	Jimmie
Feenan	Patrick J	Green	Kenneth L. Jr.
Ferdon	Gerald	Green	Richard E
Fischer	Jeff	Gregory	Charles (Rusty)
Fisher	Mark W	Griffis	David B
Fizsimons	Paul A.	Griffith	David W.
Fleming	Herbert A	Grosse	Loren C
Fleming	Kenneth D	Guffey	Paul D
Foland	Charles C.	Hadduck	Arthur L.
Freeman	Roger	Hahn	Adam K
Frisco	Mark D	Hakkinen	Erik
Galvin	Terrence J	Haley	Jon P
Garcia	Ronald J	Haley	Warren (Scott)
Gaylord	Ronald R	Hall	Lawrence

## EXHIBIT A

<u>Last Name</u>	<u>First Name</u>	<u>Last Name</u>	<u>First Name</u>
Hamilton	Delmar R	Holmes	David J.
Hamlin	Gary D	Holness	Joseph W
Hammond	Tom	Holt	Dean
Hansen	Ted J	Hout	Neal
Hargens	Holland C	Howell	Bruce
Harman	Marc L. R.	Hoyt	Mark A
Harnden	Denora	Hubbard	Dennis
Harnden	Earl	Huckaby	Anthony G
Hart	Bryan L	Huffman	George A
Harte	Camille	Hughes	Michael
Harter	Robert C	Hughson	Stephen J
Harvey	Alton Sr.	Huston	Troy L.
Haviland	Stephen C	Irick	Jerry T
Hawkins	John L	Isom	Daniel P
Heath	Merlin E	Jackman	Steven
Heidt	Michael S	Jackson	Luther L Jr
Henderson	Ronald E	Janes	Michael R
Herbert	Jonathan G	Jean	Roger
Herrera	Alejandro	Johnson	Iran
Heston	William M	Johnson	Martin L
Hickman	Darrel	Johnson	Michael
Hiebert	Jeffrey L	Johnson	Will
Hiles	Dennis W	Jones	Arthur Jr
Hillison	David	Jones	Cornell L
Hinostroza	Kathleen K	Jones	David L.
Hite	Duffy P.	Kanistanaux	McCoy
Hodge	Stephanie S.	Karnis	Ronald
Hoffee	John R	Karpa	Arthur L.

## EXHIBIT A

<u>Last Name</u>	<u>First Name</u>	<u>Last Name</u>	<u>First Name</u>
Kearns	John D	Linge	Darin
Keeney	Michael J	Linley	Kevin W
Kellar	John P.	Linnell	Rodney
Kellogg	Richard (Dick)	Linson	Eric T
Kile	Gary Eugene	Lloyd	Edward N.
Kirkingburg	Hallie E	Lopez	Victor
Kirkland	Justin	Louch	John R
Klawuhn	John A	Lounsbury	Art J
Kloepper	Larry L	Lounsbury	Scott E
Kramer	Horst	Loveless	Steve A
Kruger	Richard E (Rick)	Ludka	Richard
Kuehn	Michael	Ludlow	Michael J
Lamb	Lester L.	Luiz	Michael J.
Lantz	Fred	Luiz	Mike J.
Larson	Robert E.	Luster	Robert Dale
Larson	Robert J.	Macabeo	Art
Laughlin	Daniel	MacFarlane	Robert L.
Laureano	Gilberto	Macias-	Eduard
Laws	Mark	Gonzalez	
Lawson	Scott A	Mackiewicz	Peter C.
Layman	Ronald W Jr	Magby	Eric W
Leben	John B	Maglalang	Albino V Jr.
Lemons	Richard M.	Manary	Monti C
Lenney	Richard	Mangan	Evan
Leno	Rick F.	Mangual	Perfecto
Lilly	Ronald L Jr	Mankey	David L.
Lindsay	Craig M.	Mankey	Phillip M.
Lineberger	V. David	Maroney	Thomas

## EXHIBIT A

<u>Last Name</u>	<u>First Name</u>	<u>Last Name</u>	<u>First Name</u>
Marshburn	Monte R	Miller	Kenneth J Jr
Martinez	Filiberto	Milton	Christopher
Mason	Richard	Mitchell	Randall S "Scott"
Matasci	Debra L.	Moir	Keith L.
Matson	Arthur "Royce"	Montee	Raymond
Mayen-Garcia	Diego	Moore	Charles J. (Jay)
McAloon	Terrence C	Moran	Thomas J
McCann	Robert M.	Morrissey	Gene
McCollam	Barry E	Mosley	Shawn
McConnell	Edward S.	Mouser	Jeremy
McCune	Dennis L	Mowrey	Gary T.
McDonald	Russel (Scott)	Mudder	Timothy
McFarland	Michael J	Murphy	Gail M.
McFarland	Michael R	Murphy	Robert R
McFarren	David	Murphy	Tim
McInerney	Michael	Myers	Lorre
McIntosh	Rachael C	Myers	Robert
McManus	Keith D	Myers	Wilbert L Jr
McPherson	Leo S	Neal	Mack R
McWilliams	Bernie	Nelson	Joe
Meighan	Jason	Newkirk	Timothy R.
Mein	John	Nichols	Richard
Melnichenko	Vladimir A	Nielsen	Saundra D.
Mercer	James	Noonan	Harry
Miles	Steven T	Norwood	Frank L
Miller	Charles H	O'Donnell	Craig P
Miller	Greg	O'Kelley	Fred T
Miller	James (JD)	Olejniczak	Mike

## EXHIBIT A

<u>Last Name</u>	<u>First Name</u>	<u>Last Name</u>	<u>First Name</u>
O'Neal	Billy L	Riley	Kelly
Ortman	Floyd (Van)	Roberson	Vonda S
Osborne	Jack O. Jr.	Roberts	Fred L
Palmquist	Kevin	Rode	Jack A
Palumbo	Jerry A	Roemer	Tim D
Pattison	Stephen	Rojas-Corona	Delfino
Paulmier	Carlton M.	Romeo	James R
Payne	Tina M.	Rosamilia	Anthony L.
Pearcy	William (Bill)	Rosca	Cornel
Pearson	Marshall G	Rowland	William W
Pepper	Robert L.	Royse	Eugene A.
Pepper	Walter F.	Rushing	Clarence L.
Perez	Raul A.	Rusnak	Daniel
Perry	Andrew W Sr	Ryan	Michael C
Pierce	Dan	Sadler	James C
Pierce-Shult	Natalie M.	Saenz	Jorge L
Pokorny	Bob	Sager	Doughlas (Scott)
Pomplun	James	Sager	John W.
Porter	James A	Sampson	Charles G
Porter	Nathan	Sampson	Tommy
Pousche	Tom R	Sandusky	Terry L
Prevo	William	Satterlee	Michael D
Prudhomme	Patrick J.	Savage	Howard
Ragan	Irene	Schenewerk	Raymond L
Rasmusson	Larry	Schiermeister	Ellsworth
Read	Michael W	Schiller	Lonny
Reese	Richard	Schwindt	Allan J
Richards	Steve C	Self	Ronald L

## EXHIBIT A

<u>Last Name</u>	<u>First Name</u>	<u>Last Name</u>	<u>First Name</u>
Semore	James G	Stipe	Chris
Serrano	Shan W	Stockwell	Michael
Shaw	Robert	Strode	R. Edward
Shillam	James J.	Strong	Steve
Shook	Nathaniel E	Sullivan	Ronald
Shulenbarger	Tim J	Swanson	Lloyd N.
Silverson	Garland L.	Szlavich	Mark
Sims	Joshua D.	Taber	Duke G
Sisson	James W	Tallent	Darrell G.
Slevcove	Harry W	Tanler	Jon E.
Slocum	Kenneth A	Tapia	David S
Smart	Mark E	Taplin	Dana
Smart	Richard E	Taylor	Kenneth
Smith	Leo	Taylor	Michael P.
Smith	Norman	Thomas	Anthony J.
Smith	Tim	Thompson	Arthur A
Smith	Troy B.	Thornton	Gary L.
Smock	Burton (Steven)	Thornton	Melvin
Snow	Kenneth	Threadgill	Daniel
Snyder	David J	Tiedeman	Emerson (Sonny)
Solomon	David M	Tomassi	Anthony
Southard	David (Chad)	Trammel	Rick T
Spicer	Glen A	Trembly	Rory J
Spurgeon	Robert J Jr	Trullinger	Jack
Stasi	Michael	Tucker	Calvin J.
Steger	Richard J (Dick)	Turner	David W.
Stephens	Stephen H.	Turner	Jody W.
Stewart	Shelton	Underwood	Brady

## EXHIBIT A

<u>Last Name</u>	<u>First Name</u>	<u>Last Name</u>	<u>First Name</u>
Urruchua	Fernando	Williams	Robert E.
Utter	Larry D	Wilmes	Joe
Van Dorn	Andrew H.	Wilson	Trent
Vargas	Gary D.	Winn	Jerry M.
Viescas	Daniel	Wood	Jason S
Wagner	Jay	Woods	James D
Wainford	Jon E	Wright	Germaine (Jill)
Walden	Scott	Wright	Timothy W
Walker	Roger A	Yates	Val E
Wallace	William A	Yelton	James J.
Wallis	Stacey	Young	Daniel
Wampler	Gregory E	Yourn	Warren S
Way	Patricia E	Zeek	Gary A.
Waymire	Michael R.	Ziglinski	Mark
Webb	Dawn M.	Zook	Ronald
Weighall	John		
Welch	Gene		
Wenzinger	Albert L.		
West	John B		
Whitaker	Don		
White	Andrew D		
White	Arthur		
Whitney	Randy D.		
Wiker	Marc		
Wiktorek	Adam		
Wilkins	Darren M.		
Williams	Brian D.		
Williams	Jerry L.		